





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Vaillant and Juteau

Title:

ANTIVIRAL

OLIGONUCLEOTIDES

TARGETING HIV

Appl. No.:

10/661,091

Filing Date:

09/12/2003

Examiner:

Art Unit:

1614

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.

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In

11-23-04

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56

Mail Stop Amendment-IDS Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to OG Notice dated August 5, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003*.

Applicants submit herewith on Form PTO/SB/08 a listing of the documents cited by or submitted to the U.S. PTO in related application Serial No. 10/661,403, also filed 09/12/2003. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were

previously submitted to the United States Patent & Trademark Office in that application and are on file with the USPTO.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

The relevance of the foreign-language document is explained in the related application.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date November 23, 2004

FOLEY & LARDNER LLP Customer Number: 30542

Telephone: (415) 438-6454 Facsimile: (415) 434-4507 David P. Lentini Attorney for Applicant Registration No. 33,944

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449 Complete if Known INFORMATION DISCLOSURE **Application Number** 10/661,099 STATEMENT BY APPLICANT Filing Date 09/12/2003 **First Named Inventor** Andrew Vaillant Group Art Unit 1614 (use as many sheets as necessary) **Examiner Name** Sheet of 13 Attorney Docket Number 029849-0203

				U.S. PATENT DOCUMENTS	}	
Examiner Initials*		U.S. Patent	Document		Date of Publication of	Pages, Columns, Lines,
	Cite No. ¹	Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Where Relevant Passages or Relevant Figures Appear
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				FC	REIGN PATENT DOCUMEN	TS		
Examiner Initials*	Cite No. ¹	For Office ³	reign Patent D	Oocument Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Т ⁶
	A1	WO	93/24510					

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A2	AGRAWAL and KANDIMALLA, "Antisense and/or Immunostimulatory Oligonucleotide Therapeutics," Current Cancer Drug Targets 1:197-209 (2001)	
	А3	ALLEN and CHONN, "Large Unilamellar Liposomes with Low Uptake into the Reticuloendothelial System," FEBS Letters 223(1):42-46 (1987)	-
	A4	ARCHAMBAULT, et al., "Phosphorothioate oligonucleotides inhibit the replication of lentiviruses and type D retroviruses, but not that of type C retroviruses," Arch Virol 139:97-109 (1994)	

Examiner Signature	Date Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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				First Named Inventor	Andrew Vaillant	
				Group Art Unit	1614	
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Sheet	2	of	13	Attorney Docket Number	029849-0203	

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	A5	BERKOW, et al., "Nonsteroidal Anti-Inflammatory Drugs (NSAIDs)," The Merck Manual of Diagnosis and Therapy, 15 th ed., 2499-2506 and 46-49 (1987)	
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4-14		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
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Sheet	4	of	13	Attorney Docket Number	029849-0203	

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	A55	MURANISHI, S., "Absorption Enhancers," Crit. Rev. in Ther. Drug Carr. Syst. 7:1-33 (1990)	
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	INFORMATIO	N DISCLO	SURE	Application Number	10/661,099	
	STATEMENT	BY APPLI	CANT	Filing Date	09/12/2003	
				First Named Inventor	Andrew Vaillant	
				Group Art Unit	1614	
(use as many sheets as necessary)				Examiner Name		
Sheet	9	of	13	Attorney Docket Number	029849-0203	

		NON PATENT LITERATURE DOCUMENTS	-
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ₆
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